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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,474	09/23/2003	Heinz Hermann Wippersteg	2725	2948

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STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

BENZON, OREG C

ART UNIT	PAPER NUMBER
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2444

MAIL DATE	DELIVERY MODE
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05/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,474

Applicant(s)

WIPPERSTEG, HEINZ HERMANN

Examiner

GREG BENZON

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-16,18-21 and 23-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5, 7-16,18-21, 23-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 1,3-5, 7-16,18-21, 23-39 are pending. Claims 2,6,17, 22 are cancelled. Claims 38-39 are submitted as new claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/11/2009 has been entered.

Priority

This application claims benefits of priority from Foreign Application 10245169.9 (GERMANY) filed September 26, 2002.

The effective date of the claims described in this application is September 26, 2002.

Response to Arguments

Applicant's arguments filed 03/11/2009 have been fully considered but they are moot in view of the new grounds for rejection.

Weigelt disclosed (re. Claim 1,18,38,39) *said receiver including agricultural machines having a sensor system (Weigelt- Column 4 Lines 40-45) which obtains agricultural information related to the agricultural machines, generates questions for optimizing agricultural machine parameters and forward them to the data exchange network. (Weigelt-Column 2 Lines 25-45,' providing a data exchange between harvesting machines', Column 4 Lines 25-35, Column 8 Lines)*

Weigelt disclosed (re. Claim 1,18,38,39) *delivering the answer data set to a corresponding agricultural machine. (Weigelt-Column 2 Lines 25-45,' providing a data exchange between harvesting machines', Column 4 Lines 25-35,Column 8 Lines 45-55,'bi-directional communication allows data transfer from machine-to-machine')*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3-5,8,12-14, 16,18-21,26-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Frees (US Patent 6769013) further in view of Schneider (US 6990459) further in view of Weigelt (US Patent 5712782).

Frees disclosed (re. Claim 1,18,19,38,39) a system based on electronic data exchange, in which the data exchange occurs between a plurality of users by means of at least one data exchange system and each of said users is operable as both a server and a receiver of information, (Frees-Figure 16, Figure 17,Column 2 Lines 25-35)

wherein at least one user of at least one data transmission network generates required information according to specific standards,(Frees-Column 15 Lines 15-20)

said at least one user functioning as said server, (Frees-Column 12 Lines 60-65) and

said receiver generates question postings (Frees-Column 12 Lines 60-65) which are transmitted to the server according to specific standards (Frees-Column 15 Lines 15-20, 'user enter standard process information', Column 18 Lines 1-5) and said server generates answers in the form of services standards (Frees-Column 12 Lines 60-65) in response to the question postings and transmits said answers to said receiver according to specific (Frees-Column 15 Lines 15-20, 'user enter standard process information', Column 18 Lines 1-5)

Frees disclosed coaching and brainstorming among collaboration members using various information exchange tools. The Examiner notes that said coaching, consulting and brainstorming conversations would include question and answer portions. Furthermore Frees disclosed different types of businesses that may employ the collaboration system including industrial companies with national or international market, such as those for *producing agricultural products*. (Frees-Column 5 Lines 35-55)

While Frees substantially disclosed the claimed invention Frees did not disclose (re. Claim 1) a service for optimizing the processing chain and/or the management chain for producing agricultural products.

Frees did not disclose (re. Claim 1) *said receiver including agricultural machines having a sensor system which obtains agricultural information related to the agricultural machines, generates questions for optimizing agricultural machine parameters and forward them to the data exchange network.*

Frees did not disclose (re. Claim 1) *delivering the answer data set to a corresponding agricultural machine.*

Schneider disclosed (re. Claim 1) a service for optimizing the processing chain and/or the management chain for producing agricultural products. (Schneider-Column 3 Lines 60 thru Column 4 Lines 55)

Schneider disclosed (re. Claim 1) providing information wherein said provider creates answer data sets which is a required information, and which contain extending or background information which have not been required, but which will be useful for an efficient processing and/or management chain in agricultural content for optimizing an employment of machines selected from the group consisting of availability, reducing stand still, full capacity use, and if the machine is in operation for optimizing a cooperation/team work process between the machines among themselves or between the machines and processing plants/facilities, selected from the group consisting of drying plant, storage operator, further processing, of a processing chain, and for optimizing an efficiency of the machines involved in the processing chain by adjusting process elements of the machines. (Schneider-Column 3 Lines 60 thru Column 4 Lines 55)

Frees and Schneider are analogous art because they present concepts and practices regarding collaboration and knowledge exchanges regarding agricultural and food business entities. At the time of the invention it would have been obvious to a

person of ordinary skill in the networking art to combine Schneider into Frees . The motivation for said combination would have been to enable an optimized farm management plan. (Schneider-Column 3 Lines 45-55)

While Frees-Schneider substantially disclosed the claimed invention Frees-Schneider did not disclose (re. Claim 1) *said receiver including agricultural machines having a sensor system which obtains agricultural information related to the agricultural machines, generates questions for optimizing agricultural machine parameters and forward them to the data exchange network.*

While Frees-Schneider substantially disclosed the claimed invention Frees-Schneider did not disclose (re. Claim 1) *delivering the answer data set to a corresponding agricultural machine.*

Weigelt disclosed (re. Claim 1) *said receiver including agricultural machines having a sensor system (Weigelt- Column 4 Lines 40-45) which obtains agricultural information related to the agricultural machines, generates questions for optimizing agricultural machine parameters and forward them to the data exchange network.* (Weigelt-Column 2 Lines 25-45,' *providing a data exchange between harvesting machines*,' Column 4 Lines 25-35, Column 8 Lines)

Weigelt disclosed (re. Claim 1) *delivering the answer data set to a corresponding agricultural machine.* (Weigelt-Column 2 Lines 25-45,' *providing a data*

exchange between harvesting machines', Column 4 Lines 25-35, Column 8 Lines 45-55, *'bi-directional communication allows data transfer from machine-to-machine')*

Frees, Schneider and Weigelt are analogous art because they present concepts and practices regarding agricultural and food business entities. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Weigelt into Frees-Schneider. The motivation for said combination would have been to adjust the operation of the combine autonomously without undue burden to the operator. (Weigelt -Column 6 Lines 50-65)

Frees-Schneider-Weigelt disclosed (re. Claim 1,18,38,39) wherein said users comprise machines and/or businesses engaged in planting, caring for, harvesting, (Weigelt-Column 4 Lines 25-35), storing and/or processing of agricultural products; machine manufacturers; (Frees-Column 5 Lines 40-45, Schneider-Column 3 Lines 60 thru Column 4 Lines 55) weather services; crop advisory services and planting.

Claim 38 (re. system) is rejected on the same basis as Claim 1.

Claim 39 (re. method) is rejected on the same basis as Claim 1.

Frees-Schneider-Weigelt disclosed (re. Claim 3) wherein server groups identify themselves as services that are accessible to said at least one user. (Frees-Column 5

Lines 1-5, Column 7 Lines 20-30)

Frees-Schneider-Weigelt disclosed (re. Claim 4,20) wherein said server defines access rights to said service. (Frees-Column 11 Lines 25-30)

Frees-Schneider-Weigelt disclosed (re. Claim 5,21) wherein said server makes said required information available in timely manner as part of said service and makes said required information, adjusted to said needs of said at least one other user operating as said receiver, available to said at least one other user. (Frees-Column2 Lines 25-35)

Frees-Schneider-Weigelt disclosed (re. Claim 8) wherein said service of said server is permanently or temporarily connected as need requires to said receiver generating said question postings. (Frees-Column 5 Lines 10-15)

Frees-Schneider-Weigelt disclosed (re. Claim 12) wherein said server providing said service is a stationary unit or a mobile unit and wherein said stationary unit or said mobile unit communicates via said at least one data exchange system with said receiver and/or said server. (Frees-Column 4 Lines 40-50)

Frees-Schneider-Weigelt disclosed (re. Claim 13) wherein said server and said receiver alternately exchange said required information by means of said at least one data exchange system. (Frees-Figure 1B, Column 6 Lines 10-15, Column 12 Lines 65)

Frees-Schneider-Weigelt disclosed (re. Claim 14) wherein said at least one data exchange system is global or spatially limited. (Frees-Column 5 Lines 40-50, Column 12 Lines 55-60)

Frees-Schneider-Weigelt disclosed (re. Claim 16) wherein said information generated by said users in said data transmission network is generated in a standardized format. (Frees-Column 18 Lines 1-5)

Frees-Schneider-Weigelt disclosed (re. Claim 19) wherein said server makes said required information, adjusted to said needs of said at least one other user,

available to said at least one other user in the form of a service. (Frees-Column 7 Lines 20-30)

Frees-Schneider-Weigelt disclosed (re. Claims 26,32) means for remote diagnostic monitoring for machines by respective manufactures. (Weigelt-Column 6 Lines 10-25, Column 8 Lines 5-15)

Frees-Schneider-Weigelt disclosed (re. Claims 27,33) means for providing weather predictions for planning a use of harvesting machines. (Weigelt-Column 7 Lines 40-55)

Frees-Schneider-Weigelt disclosed (re. Claims 28,34) means for providing information for operators of drying plants for planning drying and storage capacity. (Weigelt-Column 5 Lines 40-60)

Frees-Schneider-Weigelt disclosed (re. Claims 29,35) means for providing a data exchange between harvesting machines. (Weigelt-Column 2 Lines 25-45)

Frees-Schneider-Weigelt disclosed (Claim 30, 31, 36,37) means for providing information about product properties and conditions of products to be processed. (Weigelt-Column 5 Lines 40-60, '*determine conveying capacity*')

Furthermore Schneider also disclosed (Claim 30, 31) means for providing information about product properties and conditions of products to be processed. (Schneider-Column 3 Lines 60 thru Column 4 Lines 55)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Frees (US Patent 6769013) further in view of Schneider (US 6990459) further in view of Weigelt (US Patent 5712782) as applied above, and further in view of Curkendall (US Patent 6995675).

While Frees-Schneider-Weigelt substantially disclosed the claimed invention, Frees-Schneider-Weigelt did not disclose (re. Claim 15) wherein said stationary unit or said mobile unit have sensors for generating receiver-specific information, and said receiver-specific information is made available to at least one service provider and/or at least one further receiver by means of said at least one data exchange system.

Curkendall disclosed (re. Claim 15) wherein said stationary unit or said mobile unit have sensors for generating receiver-specific information, (Curkendall-Column 21 Lines 15-25) and said receiver-specific information is made available to at least one service provider and/or at least one further receiver by means of said at least one data exchange system. (Curkendall-Column 21 Lines 55-60)

Frees,Schneider,Weigelt and Curkendall are analogous art because they present concepts and practices regarding collaboration and knowledge exchanges. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Curkendall into Frees-Schneider-Weigelt. The motivation for said combination would have been to provide data collection in a seamless manner. (Curkendall-Column 5 Lines 55-60)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7,9-11, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frees (US Patent 6769013) further in view of Schneider (US 6990459) further in view of Weigelt (US Patent 5712782) as applied above, and further in view of Rothkopf (US Publication 2002/0049727).

While Frees-Schneider-Weigelt substantially disclosed the invention as claimed, Frees-Schneider-Weigelt did not disclose (re. Claim 7) wherein said service of said server comprises referring to at least one other service of at least one other server and/or to sub-service providers.

Rothkopf disclosed (re. Claim 7) wherein said service of said server comprises referring to at least one other service of at least one other server and/or to sub-service providers. (Rothkopf-Paragraph 97-98)

Frees,Schneider,Weigelt and Rothkopf are analogous art because they present concepts and practices regarding collaboration and knowledge exchanges. At the time

of the invention it would have been obvious to combine Rothkopf into Frees-Schneider-Weigelt. The motivation for said combination would have been to provide highly customized information sharing between users of common interest. (Rothkopf-Paragraph 5)

Claim 23 is rejected on the same basis as Claim 7.

Frees-Schneider-Weigelt-Rothkopf disclosed (re. Claim 9,24) wherein said service of said server provides additional information that is not expressly required by said receiver, which increases service quality provided by said server. (Rothkopf-Paragraph 78)

Frees-Schneider-Weigelt-Rothkopf disclosed (re. Claim 10,25) wherein said server providing said service obtains said additional information by retrieving said additional information from another service provided by another service provider. (Rothkopf-Paragraph 78)

Frees-Schneider-Weigelt-Rothkopf disclosed (re. Claim 11) wherein services of a plurality of service providers are made available to said receiver by said server and/or a

selection of said services is made available to said receiver by a number of different service providers. (Rothkopf-Paragraph 97-98)

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. B./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

